IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 534 of 1998

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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DILIPKUMAR TRIBHUVANDAS DALAL - Applicant(s)
Versus
STATE OF GUJARAT - Respondent(s)

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Appearance :
MR H.K. Patel with Mr S V Raju & Mr RJ GOSWAMI for Applicant(s) : 1,
Mr S S Patel, Addl.PUBLIC PROSECUTOR for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 27/12/2006

ORAL JUDGMENT

1. The petitioner has called into question the order dated 14.8.1998 of the learned Metropolitan Magistrate, Ahmedabad, by which it was held that the

complaint of the petitioner was not substantiated and the Court refused to issue process on the basis of the complaint and the verification recorded thereunder.

2. It was argued by learned Advocate Mr H.K. Patel appearing with Mr S.V. Raju, that the petitioner had substantial grievance and had suffered serious consequences on account of mysterious tearing of important pages from the record of the institution where he was employed. The learned APP fairly conceded that in view of the allegations made in the complaint, a different view could have been taken and investigation could have been ordered by the learned Magistrate for unearthing the relevant evidence and implicating the persons who might have been found to be responsible for any of the alleged offence.

3. It was however, clear and fairly conceded at the Bar that, after passage of about 8 years, an investigation or enquiry may not serve any fruitful purpose and in all likelihood, it would be an exercise in futility. Therefore, the application was

not required to be allowed in exercise of revisional jurisdiction of this Court. Accordingly, the petition is dismissed and Rule is discharged with no order as to costs.

sd/-
[D. H. Waghela, J.]

msp